



- a. Trial to commence 12 months from the Case Management Conference;
- b. Phased discovery with “fact” discovery first, and then “expert” discovery second;
- c. 6 months for fact discovery;
- d. a deadline of 2 weeks after the close of fact discovery to file any fact discovery motions, and to designate experts and produce experts’ reports pursuant to F.R.C.P. 26(a)(2);
- e. from the fact discovery motions filing deadline, 2 months for expert discovery; and
- f. a deadline of forty-five days after the close of expert discovery to file any expert discovery motions (this brings the case to a total of 10 months from the April 29, 2008 Case Management Conference).
- g. Motions in Limine to be heard no later than 21 days prior to trial.

3. **ORDERS THAT SHOULD BE ENTERED BY THE COURT PURSUANT TO F.R.C.P.**

**26(c) or 16(b) or (c):** Regarding F.R.C.P. 26(c), the parties do not anticipate at this time any need for protective orders. Regarding F.R.C.P. 16(c), the parties agree that the Local Rules’ pre-trial procedures should be followed. Regarding F.R.C.P. 16(b), LR 16.2CJ.e.2 and the topics set for discussion at the Case Management Conference pursuant to the Court’s April 7, 2008 Order re Case Management Conference, the parties state as follows:

- a. Service of process on parties not yet served. Not applicable.
- b. Jurisdiction and venue. Not applicable.
- c. Track assignment. The parties assert that this case is generally appropriate for the Standard Track, subject to the discovery schedule proposed, above. The parties prefer the standard over the expedited track in part because the parties may need off-island experts.

- d. Anticipated motions. Plaintiff and Defendant may file dispositive motions.
- e. Anticipated or remaining discovery, including limitations on discovery. Please refer to the proposed discovery schedule set forth above. All parties anticipate the use of experts.
- f. Further proceedings and scheduling of dates. The parties have no comments here other than what is discussed above or below in this joint statement.
- g. Appropriateness of special procedures. Not applicable.
- h. Modification of standard pre-trial procedures. The parties agree that the standard pre-trial procedures under the Local Rules are appropriate in this case.
- i. Settlement prospects. Both parties will discuss settlement at an appropriate time.
- j. Any other matter conducive to the just, efficient resolution of the case. Not applicable.
- k. Setting of date for:
  1. Joinder of all parties. 90 days.
  2. Motions to amend. 120 days.
  3. Discovery cut-off. 6 months for fact discovery, then 2 weeks for motions regarding fact discovery, then 2 months for expert discovery and then 45 days for motions regarding expert discovery, as discussed above.
  4. Status conferences. As requested by the parties or set by the Court.
  5. Discovery motions hearing date. Pursuant to the Local Rules and the fact and expert discovery motions cut-off dates as discussed above.

6. Dispositive motions filing cut-off 60 days before trial.
7. Motions in Limine to be heard no later than 21 days prior to trial.
8. Dispositive motions hearing date. Pursuant to the Local Rules and the dispositive motions filing cut-off.
9. Settlement conference. As requested by the parties or set by the Court.
10. Joint pre-trial order. 14 days before trial.
11. Final pre-trial conference. 7 days before the trial.
12. Trial. 12 months from the Case Management Conference, and estimated to last approximately 4-5 days.

AGREED THAT THIS STATEMENT ACCURATELY REFLECTS THE POSITION OF THE PARTIES.

/s/ \_\_\_\_\_  
DAVID G. BANES, Esq.  
Counsel for Plaintiff Robert C. Suzuki

Date: April 25, 2008.

/s/ \_\_\_\_\_  
JOHN D. OSBORN, Esq.  
Counsel for Defendant Ming Hua Q. Yoon

Date: April 25, 2008.